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RESOLUTION NO. 03-389

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 1, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST, EAST OF 127TH STREET EAST) 468-83566**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 1, MAIN 14, FOUR MILE CREEK SEWER (SOUTH OF 21ST, EAST OF 127TH STREET EAST) 468-83566**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. **03-007** adopted on January 7, 2003, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct of advisability and resolution authorizing construction of **Lateral 1, Main 14, Four Mile Creek Sewer (south of 21st, east of 127th Street East) 468-83566**, in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **Three Hundred Thirty-Eight Thousand Dollars (\$338,000)**, exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **April 1, 2003**.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

REED'S COVE ADDITION

Lots 1 through 39, Block 1;

Lots 1 through 22, Block 2;

Lots 1 & 33, Block 3;

A portion of Lot 40, Block 1, more particularly described as follows:

COMMENCING at the Northwest corner of Northwest Quarter, Section 11, Township 27 South, Range 2 East, of the Sixth Principal Meridian; thence on a Kansas North Zone Grid Bearing of S00°51'36"W along the West line of said Northwest Quarter, 883.04 feet; thence along a portion of the North line of said Lot 40, Block 1, N88°33'26"E, 412.62 feet to the POINT OF BEGINNING; thence continuing along the North line of said Lot 40, Block 1, N88°33'26"E, 715.44 feet to the Northeast corner of said Lot 40; thence along the East line of said Lot 40,

S00°51'36"E, 571.84 feet; thence along the Easterly line of said Lot 40, S44°50'52"W, 150.72 feet to a point on a curve to the right said point being the Southeast corner of said Lot 40; thence along the said curve and along said South line, 48.22 feet, said curve have a central angle of 15°47'45", a radius of 174.92 feet, and along chord distance of 48.07 feet, bearing N43°35'05"W to a point on a curve to the left; thence along the said curve and along said South line, 363.03 feet, said curve having a central angle of 68°25'16", a radius of 304.00 feet, and along a chord distance 341.84 feet, bearing N69°53'50"W; thence along said South line, S75°53'32"W, 252.66 feet to a point on a curve to the right; thence along the said curve and said South line, 10.00 feet, said curve having a central angle of 00°39'28", a radius of 871.00 feet, and a long chord distance of 10.00 feet, bearing S76°13'16"W; thence parallel with the West line of said Northwest Quarter N00°51'36"W, 572.34 feet to the POINT OF BEGINNING.

REED COMMERCIAL ADDITION

Lots 1 through 5, Block 1;

REED'S COVE 2ND ADDITION

Lot 1, Block 1;

Lot 1, Block 2;

Lot 1, Block 3;

Lot 1, Block 4;

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional** basis.

Lots 1 through 39, Block 1; Lots 1 through 22, Block 2; and Lots 1 & 33, Block 3; all within Reed's Cove Addition shall each pay 72/10,000 of the total cost payable by the improvement district. Lot 1, Block 1; Lot 1, Block 2; Lot 1, Block 3; and Lot 1, Block 4; all within Reed's Cove 2nd Addition shall each pay 72/10,000 of the total cost payable by the improvement district. The portion of Lot 40, Block 1, within Reed's Cove Addition shall pay 1622/10,000 of the total cost payable by the improvement district. Lot 1, Block 1, within Reed Commercial Addition shall pay 2730/10,000 of the total cost payable by the improvement district. Lots 2 through 5, Block 1, within Reed Commercial Addition shall each pay 206/10,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof,

considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 15, 2003.

CARLOS MAYANS, MAYOR

ATTEST:

PAT GRAVES, CITY CLERK

(SEAL)